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## *Lt. Cooke's Espionage Case Splits Military Legal Ranks*

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The espionage case against Air Force 2nd Lt. Christopher Cooke split the military legal ranks yesterday, with some military lawyers arguing in favor of prosecution and others saying the charges should be dismissed.

Cooke, former deputy commander of a Titan II nuclear missile launch crew, has been charged with conveying defense information to the Soviet Union and with failing to report contacts with Soviet officials.

Cooke contends that he had received immunity from prosecution in return for a full account of his dealings with the Soviet Union, and has asked the Court of Military Appeals to dismiss the charges.

The military judge at the initial phase of his trial found that he had been promised immunity by Brig. Gen. Claude Teagarden, the staff judge advocate, or chief lawyer, of the Strategic Air Command.

The trial judge said, however, that Cooke was not entitled to dismissal

of the charges. He ordered that none of a statement by Cooke, or anything learned as a result of the statement, could be used against him.

Maj. Charles Dorman, representing the Navy and Marine Corps prosecution lawyers, said yesterday that Cooke's court-martial should continue.

Dorman said the key principle is whether Teagarden was legally entitled to offer Cooke immunity. Dorman maintained, as has the Air Force, that only SAC's commander in chief, who at the time was Gen. Richard Ellis, could grant immunity.

But Capt. William J. Ciaravino, representing defense attorneys for the Navy and Marines, told the court that "Gen. Ellis did confer with Teagarden and give him actual and apparent authority to handle this case."

Coast Guard lawyers split along similar lines, with defense attorneys for Cooke's contentions and prosecutors siding with the Air Force.